

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

In Re:) IN CHAPTER 7 PROCEEDINGS
)
RICHARD & CHERI MCCARTNEY,) BK 10-30638
)
Debtors.)

MOTION TO COMPEL TURNOVER BY DEBTORS

Comes now Donald M. Samson, trustee, by his attorney, and files this Motion to Compel Turnover by Debtors and in support thereof shows as follows:

1. That debtors are in possession of the following described personal property:

- a) 2012 federal tax refund in the amount of \$36,663.00
- b) 2012 Illinois tax refund in the amount of \$6,549.00

2. That there is substantial equity over and above the liens and exemptions in said personal property.

3. That the trustee has demanded turnover of possession of said personal property.

4. The refunds represent gambling earnings of debtors' acquired by the debtors during the chapter 13 bankruptcy.

5. The conversion of this case by debtors while engaging in substantial gambling activity during the chapter 13 constitutes bad faith.

6. The tax refunds represent property of the estate pursuant to 11 U.S.C 348 (f)(2).

WHEREFORE, Donald M. Samson, trustee, prays that debtor be ordered to turnover to Donald M. Samson, trustee, possession of the personal property described herein and for such further relief as this court deems just and equitable.

DATE: 1/14/14

/s/ Donald M. Samson
DONALD M. SAMSON, Attorney for Trustee
226 W. Main St., Ste., 102
Belleville, IL 62220
618-235-2226

CERTIFICATE OF SERVICE

The undersigned certifies that on the 14th day of January, 2014, a copy of the foregoing document, Motion to Compel Turnover, was served upon the following electronically or by first class mail:

Mr. William A. Mueller
Mueller & Haller, LLC
5312 W. Main St.
Belleville, IL 62226

U.S. Trustee
Becker Bldg., Rm. 1100
401 Main St.
Peoria, IL 61602

/s/ Barbara Beck_____